



State of New Jersey

Department of Environmental Protection

P.O. Box 402

Trenton, New Jersey 08625

PHILIP D. MURPHY
Governor

CATHERINE R. McCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

NOV 14 2018

The Honorable Josh Gottheimer
House of Representatives
Washington, D.C. 20515

Dear Mr. Gottheimer:

The New Jersey Department of Environmental Protection has received your letters, dated October 12 and 25, 2018, about stockpiling activities at 3 Silver Spruce Drive in Vernon that have raised concerns among township officials and some residents. We understand that the stockpiling of soil and other materials at 3 Silver Spruce Drive continues to present difficulties for the township, which, along with the Sussex County Soil Conservation District, has taken actions to address this issue. Those actions are currently in litigation.

As you know, the DEP has taken these concerns seriously, and DEP staff has mobilized to the area on multiple occasions. As we explained in previous communications, based upon visual observations made outside the property line of 3 Silver Spruce Drive, the stockpile appears to comprise predominantly soil and relatively small amounts of brick and block. These materials do not meet the definition of solid waste at N.J.A.C. 7:26-1.6, which specifically excludes rock, soil, gravel, concrete, glass and/or clay or ceramic products that are not otherwise contaminated above applicable state remediation standards. While we understand that the township and some residents have expressed concern that contamination may be present, the DEP is not presently aware of facts suggesting that a discharge of hazardous substances has occurred at or is emanating from 3 Silver Spruce Drive. For these reasons, the DEP has not had cause to physically inspect the property or require sampling by the landowner.

In light of your and the township's concerns, however, DEP staff has reviewed the sample result provided with your October 12 letter and identified as "roadway runoff" reportedly emanating from the stockpile. Despite some concern with the sampling protocol and methods employed in obtaining and analyzing this sample, DEP staff again mobilized to the area on two occasions following your October 12 letter. Based upon DEP staff observations, there was no water runoff emanating from the stockpile. DEP staff accompanied Mr. Gorovoy, owner of 1 Silver Spruce Drive, on a walk of his property to identify the potential source of the reported runoff. DEP staff observed that a potential source of runoff appeared to be an upwelling of water on the Gorovoy property, not the stockpile. Mr. Gorovoy confirmed that the sample was taken on his

property. Given these facts, the DEP cannot conclude that runoff is emanating from the stockpile or that the reported runoff is, in fact, impacted above actionable levels.

While we understand that the township is troubled by the presence of the stockpile, at this time, there appears to be no existing violations over which the DEP has enforcement authority. The DEP continues to support the efforts of the township and the Sussex County Soil Conservation District, which have jurisdiction concerning this issue. Should the township or the district become aware of any suspect fill material, such as noxious odors, mixed solid waste or discharges of hazardous substances, the DEP will respond accordingly.

I hope you find this information to be helpful. If you wish to discuss this matter further, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Catherine R. McCabe". The signature is fluid and cursive, with the first name "Catherine" being more prominent than the last name "McCabe".

Catherine R. McCabe